UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.141
23 October 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child:
The Islamic Federal Republic of the Comores

1. The Committee considered the initial report of the Islamic Federal Republic of the Comores (CRC/C/28/Add.13) at its 665th and 666th meetings (see CRC/C/SR.665-666), held on 5 October 2000 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report (CRC/C/28/Add.13), which follows its guidelines for reporting. The Committee notes that the report is frank and self-critical, despite the fact that it was prepared some years ago without the participation of civil society. The Committee also welcomes the written replies to the list of issues (CRC/C/Q/COM/1), which provide important updated information. The Committee appreciates the presence of a delegation directly involved in the implementation of the Convention in the State party and is encouraged by the very informative dialogue it had with that delegation, which was essential to enable the Committee to have a better understanding of the situation of the rights of the child in the State party.

* At the 669th meeting, held on 6 October 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the State party's accession to the Convention on the Elimination of All Forms of Discrimination Against Women (1994).

4. The enactment of the Health and Social Action Code, the Water Code and the education Act and the adoption of the National Plan of Action for Children are regarded as stepping stones in the creation of favourable conditions for the enjoyment by children of their rights.

5. The State party's efforts, in cooperation with international assistance, to implement the Bamako Initiative are welcomed by the Committee.

C. Factors and difficulties impeding the implementation of the Convention

6. Although the Committee is aware of the ongoing peace negotiations with the separatist forces in the island of Anjouan and of the embargo imposed on that island, it notes with concern the negative effects of the State party's political instability and the current socio-economic crisis on children, especially regarding the enjoyment of their human rights.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Protection of human rights

7. Concern is expressed that the State party has not acceded to the other main international human rights instruments, such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Similar concern is expressed with regard to regional human rights instruments, such as the African Charter on the Rights and Welfare of the Child.

8. The Committee encourages the State party to accede to the above-mentioned international and regional human rights instruments in order to strengthen the protection of human rights. The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, in implementing this recommendation.

Legislation

9. While the Committee is aware that a study on the compatibility between the Convention and domestic legislation has been undertaken, it remains concerned about the lack of harmonization between domestic legislation and the Convention. It is also concerned about the difficulties experienced in finalizing the adoption of new or amended legislation, including the draft family code.

10. The Committee recommends that the State party take all appropriate measures to complete the process of law review and, where appropriate, adopt or amend legislation so as to ensure the harmonization of applicable provisions of the different jurisdictions (traditional, Islamic and civil law), ensuring their conformity with the provisions and principles of the Convention. The Committee further recommends that, in the implementation of this recommendation, the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Coordination/independent monitoring mechanism/structures

11. Noting the limited functions assumed by the national commission for follow-up to the Convention and by the Office of the Commissioner for the Status of Women, the Committee is concerned at the limitations faced by these two bodies in ensuring adequate coordination and monitoring of the implementation of the provisions of the Convention.

12. The Committee recommends that steps be taken by the State party to establish a coordination mechanism between the various government bodies involved in children's rights at both the national and local levels and that greater efforts be made to ensure cooperation with non-governmental organizations working in the field of children's rights.

13. The Committee also recommends that the State party consider the establishment of an independent body to monitor the implementation of the Convention. Such a body should be invested with the authority to receive and investigate individual or collective complaints regarding lack of compliance with the Convention and to make recommendations in that regard.

Budgetary allocations

14. Recognizing that the effective implementation of the Convention relies upon adequate and consistent allocation of budgetary resources, the Committee expresses concern at the lack of information on the current allocation of resources in favour of children, particularly in a context of widespread poverty.

15. In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. In this regard, the Committee recommends that the State party develop and implement a data collection system relevant to the implementation of the Convention.

16. The Committee urges the State party to establish, as soon as possible and based on reliable data, a policy for the allocation of resources in favour of children, including resources provided by international agencies or through bilateral assistance, and to establish how these resources will be used in future, ensuring that priority is given to the alleviation of poverty.

International cooperation

17. The Committee is deeply concerned at the State party's resource limitations, which constrain its ability to implement the principles and provisions of the Convention.

18. The Committee strongly recommends that the State party seek international assistance for the implementation of the principles and provisions of the Convention, bearing in mind the need to strengthen national capacity.

Dissemination and awareness raising

19. The Committee acknowledges the efforts of the State party to promote awareness of the principles and provisions of the Convention, especially in the context of the celebration of the Day of the African Child. However, the Committee remains concerned that the text of the Convention has not yet been translated into all national languages and that professionals working with and for children, parents, children and the public at large are generally not aware of the Convention and of the human rights it enshrines.

20. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the Convention among children and parents, civil society and all sectors and levels of government, including through the use of traditional information channels and working through community leaders. The Committee encourages the State party to pursue efforts to promote child rights education in the country, including initiatives targeting the most vulnerable groups. Moreover, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of traditional and religious leaders, as well as professional groups, including those working with and for children (e.g., judges, lawyers, law enforcement officials, parliamentarians, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

2. Definition of the child

21. The lack of a uniform and clear definition of the age of majority in the Comoran legislation is a matter of concern. The lack of a uniform minimum legal age for marriage for both boys and girls and the occurrence of early marriages are also areas of concern.

22. The Committee recommends that the State party: continue its efforts to harmonize existing provisions concerning the age of majority to establish one clear age at which the child legally becomes an adult; increase the legal minimum age for marriage and ensure non-discrimination against girls in this regard; and consider the need for effective public information and sensitization activities to discourage early marriage.

3. General principles

Non-discrimination

23. With regard to article 2 of the Convention, the Committee expresses its concern at patterns of discrimination on grounds of gender, religion, ethnic origin, disability and birth or other status (e.g., children born out of wedlock).

24. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to occur affecting all vulnerable groups, and particularly girls, children with disabilities and children born out of wedlock. The Committee also urges the State party to give particular attention to addressing discrimination against both girls and women, inter alia, by reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided.

Respect for the views of the child

25. The Committee is seriously concerned at the way in which the principle of respect for the views of the child (art. 12) is interpreted in the State party, especially since, according to the report, a child needs to be "trained" to become a human being. In addition, with regard to children s participatory rights, concern is expressed about the insufficiency of the measures taken by the State party, especially to promote the participation of children in the family, in the community, at school and in other social institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association.

26. The Committee emphasizes the importance of promoting respect for the views of the child and encouraging child participation. In this regard, it encourages the State party to promote public awareness of the participatory rights of children and urges the adoption of effective measures to ensure respect for the views of the child within schools, families, social institutions and in the care and judicial systems, in accordance with the provisions of article 12 of the Convention.

4. Civil rights and freedoms

Birth registration

27. The Committee is concerned at the limitations in the State party's birth registration system, which prevent an accurate statement of the identity or age of a child and can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced.

28. In the light of article 7 of the Convention, the Committee recommends that the State party establish as quickly as possible the practice of systematic birth registration for all children born within the national territory. The Committee further urges the State party

to proceed with the registration of those children who have not been registered. In addition, the Committee encourages the State party to ensure that birth registration procedures are widely known and understood by the population at large.

5. Family environment and alternative care

Alternative care measures

29. While noting the positive aspects of the placement of children in informal foster care, in particular of children from rural areas, for educational reasons, the Committee is concerned at the lack of adequate monitoring to prevent possible abuse of these children, such as their use as domestic workers.

30. The Committee recommends that the State party undertake the necessary measures to establish outside supervision of these placements, in order to prevent the child being abused by his/her foster family.

Protection from abuse and neglect

31. Concern is expressed at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse of children, including sexual abuse, both within and outside the family. While aware that the draft family code aims at the protection of the dignity of the child, the Committee is concerned that the practice of corporal punishment in the home is socially and legally accepted, particularly for boys. The practice of corporal punishment in Koranic schools is also a matter of concern.

32. The Committee recommends that the State party take effective measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in other institutions, and in society at large. Furthermore, educational programmes should be established to combat traditional attitudes in society regarding this issue. In particular, the Committee recommends that the State party include in its legislation a specific prohibition on the use of corporal punishment within the family and at school. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, UNICEF and international non-governmental organizations.

6. Basic health and welfare

Right to health (art. 24)

33. The Committee expresses its concern at the State party's high infant and maternal mortality rates, the large number of births taking place outside the hospital system and the high rate of malnutrition among children. Concern is expressed at children's limited access to the health services, especially with regard to the shortage of medication and technical equipment, and of medical and public health personnel. The spread of the HIV/AIDS epidemic and its direct and indirect effects on children, as well as the general lack of attention to the health problems of adolescents, are also matters of concern.

34. The Committee encourages the State party to increase its efforts in the health sector, including through the strengthening of data collection and disease surveillance mechanisms, the allocation of adequate resources and the reinforcement of training and support for health sector staff. It recommends that the State party ensure equitable access to existing health-care services and that it make every effort to increase vaccination coverage. The Committee urges the State party to adopt, in cooperation with international agencies, effective plans to combat childhood and maternal mortality, such as the WHO/UNICEF Integrated Management of Childhood Illness scheme.

35. The Committee recommends that the State party continue taking effective measures for the prevention of HIV/AIDS, including awareness raising and educational campaigns. The Committee further recommends that the State party take into consideration the Committee's recommendations adopted on its Day of General Discussion on "Children living in a world with HIV/AIDS" (CRC/C/80, para. 243). International technical assistance from, inter alia, UNICEF, WHO and UNAIDS, should continue to be requested in this regard.

36. The Committee also recommends that the State party study and effectively address the health problems of adolescents, in particular in the area of reproductive health education and the prevention of teenage pregnancies.

Children with disabilities (art. 23)

37. Concern is expressed at the situation of children with disabilities who are marginalized and discriminated against. The Committee expresses its concern regarding the lack of legal protection, programmes, facilities and services for children with disabilities, aimed at facilitating their development and full integration in society.

38. In the light of article 23 of the Convention, of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its Day of General Discussion on "The rights of children with disabilities" (CRC/C/69, para. 338), the Committee recommends that the State party establish special education programmes for children with disabilities and actively seek their inclusion in society. The Committee further recommends that the State party conduct an assessment of the number of children with disabilities, the type of disabilities and the needs of children with disabilities with regard to rehabilitative and other forms of care. The Committee encourages the State party to seek technical assistance, including for the training of professional staff working with and for children with disabilities, from, inter alia, UNICEF and WHO.

Standards of living (art. 27)

39. The Committee expresses its concern at the situation of a growing number of children who, owing to rural exodus and poverty, are forced to live and work on the streets.

40. The Committee recommends that the State party establish special programmes to address the situation of children living and/or working in the streets. Moreover, the State

party should ensure that these children have access to: health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and legal aid. The Committee recommends that the State party seek assistance from, inter alia, UNICEF.

41. The Committee also expresses its concern at the problems of environmental degradation in the State party, including very limited access to drinkable water, and at the precarious conditions of housing facilities for families.

42. In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The Committee also recommends that the State party take effective measures, including through international cooperation, to improve housing facilities for families.

7. Education, leisure and cultural activities

43. The Committee expresses its concern that school enrolment ratios are low and equal access to education is not ensured; at the high level of illiteracy in the country and at gender disparities in school attendance and high drop out rates. The Committee is also concerned that the education system is affected by a general lack of facilities and equipment, insufficient qualified teachers, and a drastic shortage of text books and other learning materials.

44. The Committee recommends that the State party continue its efforts to promote and facilitate school attendance, particularly among girls. In the light of article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available to all, to improve the quality of teaching and to reduce drop-out rates. The Committee encourages the State party to seek to strengthen its educational system, if necessary by seeking further international assistance, from inter alia, UNICEF and UNESCO.

8. Special protection measures

Children and armed conflict

45. While aware of the limitations posed by the continuing violence in the breakaway island of Anjouan, the Committee expresses its concern at the reported use of child soldiers by the different militias in that island and at the lack of adequate rehabilitation services for the children affected by the armed conflict.

46. The Committee urges the State party to take every feasible measure, including through international mediation, to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society. Moreover, it urges the State party to take all necessary measures in cooperation with national and international

NGOs and United Nations bodies, such as UNICEF, to address the physical needs of child victims of the armed conflict, in particular child amputees, and the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war.

47. Furthermore, the Committee encourages the State party to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Protection from economic exploitation, including child labour

48. The Committee expresses its concern at the allegedly growing number of children involved in labour activities, including in the informal sector, in agriculture and in the family context, and at lax law enforcement.

49. The Committee urges the State party to make urgent efforts to monitor and address the use of child labour. It recommends that the State party improve its monitoring mechanisms to ensure the enforcement of existing labour laws and protect children from economic exploitation. The Committee encourages the State party to ratify ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour and ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and to seek international cooperation including, for example, through the ILO International Programme on the Elimination of Child Labour (IPEC).

Sexual exploitation, sale of children, child prostitution and child pornography

50. The Committee is concerned that as a result of the current socio-economic crisis in the State party, it is very likely that children may start to become victims of sexual exploitation, sale and pornography.

51. The Committee recommends that the State party take all available measures, including legal ones, for the prevention and combat of this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. In this regard, the Committee encourages the State party to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The administration of juvenile justice

52. The Committee expresses its concern at the limited measures taken for children in conflict with the law. In particular, it is concerned at the detention of children in prisons with adults since there are no separate facilities for them, the deteriorating living conditions in detention centres and the lack of rehabilitation programmes.

53. The Committee recommends that the State party take effective measures to ensure that the juvenile justice system is in full conformity in practice, as well as in the legislation, with the provisions of the Convention, in particular articles 37, 40 and 39, and of other

United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee encourages the State party to consider seeking technical assistance in this regard from, inter alia, the member organizations of the Coordination Panel on Technical Advice and Assistance in Juvenile Justice, including the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF.

Dissemination of the reports

54. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.